

SIXTY-THIRD DAY

(Friday, May 2, 1969)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Brooks	Mauzy
Cole	McKool
Connally	Moore
Creighton	Patman
Grover	Schwartz
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Absent—Excused

Blanchard	Ratliff
Bridges	Snelson
Christie	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Christie was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Blanchard was granted leave of absence for today on account of important business on motion of Senator Strong.

Senator Snelson was granted leave of absence for today on account of important business on motion of Senator Watson.

Senator Ratliff was granted leave of absence for today on account of important business on motion of Senator Hightower.

Senator Bridges was granted leave of absence for today on account of important business on motion of Senator Word.

Morning Call Dispensed With

On motion of Senator Aikin, and by unanimous consent, the Morning Call was dispensed with.

Senate Concurrent Resolution 73 on First Reading

By unanimous consent, Senator Moore moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Brooks	Mauzy
Cole	McKool
Connally	Moore
Creighton	Patman
Grover	Schwartz
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Absent—Excused

Blanchard	Ratliff
Bridges	Snelson
Christie	

The following resolution was then introduced, read first time and referred to the Committee indicated:

Senator Moore offered the following resolution:

S. C. R. No. 73, Authorizing the Texas and Pacific Railway Company to sue the State of Texas, the county of Dallas and the Texas State Highway Department.

Whereas, It is alleged that The Texas and Pacific Railway Company, a federally chartered corporation of Dallas, Dallas County, Texas, has a claim and cause of action for damages against the State of Texas, County of Dallas, and the Texas State Highway Department by reason of the construction of Interstate Highway 345 through and over the land and property of The Texas and

Pacific Railway Company situated in the City of Dallas, Dallas County, Texas. It is alleged that the State Highway Department has entered into possession and will construct said highway over land and interests in land belonging to the said Railway Company, without legal authority and without the Highway Department having acquired legal title to said land and properties of the Railway Company. The damages herein alleged are for the land and properties taken, and for damages to the remainder. It further alleged that said Railway Company has not been compensated for the land and properties so taken nor for any of the damages as herein alleged; and

Whereas, The Texas and Pacific Railway Company is desirous of determining the liability, if any, of the State of Texas, County of Dallas, and the State Highway Department for compensation to it, and for the damages it alleges that it has suffered by reason of the foregoing, and for that purpose it desires to file a suit in the proper court in Dallas County, where the land is situated having jurisdiction over said claim to determine the liability, if any, and the amount of damage and compensation, if any, to be paid; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That The Texas and Pacific Railway Company be and it is hereby granted permission to file suit against the State of Texas, the County of Dallas and the State Highway Department in the proper court in Dallas County for determination of such liability, if any. In the event said suit is filed, service of citation or other necessary process shall be upon the Chairman of the State Highway Commission, the Attorney General of the State of Texas, and County Judge of Dallas County, and said suit shall be filed and tried as provided by law for other civil cases, reserving to either party the right of appeal as provided by law; and be it further

Resolved, That nothing herein shall be construed as an admission of liability on the part of the State of Texas, County of Dallas, or State Highway Department. It is understood that the whole purpose of this resolution is to grant permission to The Texas and Pacific Railway Company to bring suit against the State, the County and the State Highway

Department for the alleged compensation and damages and to have the same adjudicated as other civil cases; and no admission of liability of the State, the County, or the State Highway Department of any facts and no admission whatever against the interests of the State, the County, or the State Highway Department is or shall be made by this resolution; and all of which shall be ascertained and proved in court as in other civil cases.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Bill 758 on Second Reading

On motion of Senator Hazlewood, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 758, A bill to be entitled "An Act to amend the 'Dangerous Drug Act' (Article 726d, Vernon's Annotated Penal Code), Acts 1959, 56th Legislature, Regular Session, p. 923, Ch. 425, as amended Acts 1965, 59th Legislature, Regular Session, p. 971, Ch. 466, so as to include lysergic acid, diethylamide, LSD, peyote, mescaline and other hallucinogens in the list defining 'dangerous drugs'; etc., and declaring an emergency."

The bill was read the second time.

Senator Hazlewood offered the following Committee Amendment to the bill:

Amend Senate Bill No. 758 by deleting all of Subsection "(f)" of Section 2 thereof, and substituting in lieu thereof the following:

"(f) The failure to keep records as required by Section 5 and Section 7."

The Committee Amendment was read and was adopted.

The bill as amended was passed to engrossment.

Senate Bill 758 on Third Reading

Senator Hazlewood moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that

S. B. No. 758 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Brooks	Mauzy
Cole	McKool
Connally	Moore
Creighton	Patman
Grover	Schwartz
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Absent—Excused

Blanchard	Ratliff
Bridges	Snelson
Christie	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Bridges	Mauzy
Brooks	McKool
Cole	Moore
Connally	Patman
Creighton	Schwartz
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

Absent—Excused

Blanchard	Ratliff
Christie	Snelson

Senate Bill 733 on Second Reading

On motion of Senator Herring, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 733, A bill to be entitled "An Act amending the Texas Pro-

bate Code by adding a new Part 10A containing a new Section 398A which authorizes personal representatives to hold stocks, bonds, and other personal property in the name of a nominee; and declaring an emergency."

The bill was read second time and passed to engrossment.

Record of Vote

Senator Grover asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Senate Bill 733 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 733 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Brooks	McKool
Cole	Moore
Connally	Patman
Creighton	Schwartz
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word
Herring	

Nays—1

Grover

Absent—Excused

Blanchard	Ratliff
Bridges	Snelson
Christie	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Berry
Bates	Brooks
Bernal	Cole

Connally	Mauzy
Creighton	McKool
Hall	Moore
Harrington	Patman
Harris	Schwartz
Hazlewood	Strong
Herring	Watson
Hightower	Wilson
Jordan	Word
Kennard	

Nays—1

Grover

Absent—Excused

Blanchard	Ratliff
Bridges	Snelson
Christie	

(Senator Aikin in the Chair.)

Reports of Standing Committees

Senator Hall, by unanimous consent, submitted the following report:

Austin, Texas,
May 2, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 677, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman
CONNALLY
WORD

Senator Herring, by unanimous consent, submitted the following report:

Austin, Texas,
May 2, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 73, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HERRING, Chairman.

Senator Hall, by unanimous consent, submitted the following report:

Austin, Texas,
May 2, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred S. B. No. 724, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman
WORD
CONNALLY

Senator Creighton, by unanimous consent, submitted the following reports:

Austin, Texas,
May 2, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 248, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Austin, Texas,
May 2, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 765, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Austin, Texas,
May 2, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 435, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Austin, Texas,
May 2, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 575, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Austin, Texas,
May 2, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 138, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

CREIGHTON, Chairman

C. S. S. B. No. 138 was read the first time.

Senator Brooks, by unanimous consent, submitted the following report:

Austin, Texas,
May 2, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred H. B. No. 680, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

BROOKS, Chairman.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 2, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 666, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas System to acquire by purchase, exchange, gift, or otherwise certain properties, to sell, exchange, give, or otherwise convey those properties to

the Texas Department of Mental Health and Mental Retardation, and to acquire from the Texas Department of Mental Health and Mental Retardation by purchase, exchange, gift, or otherwise certain other properties; etc., and declaring an emergency."

S. B. No. 285, A bill to be entitled "An Act amending Section 6, Chapter 729, Acts of the 60th Legislature, Regular Session, 1967 (Article 2922-1i, Vernon's Texas Civil Statutes), relating to withdrawal of accumulated contributions from the Teachers Retirement System on electing to participate in the Optional Retirement Program; and declaring an emergency."

S. B. No. 552, A bill to be entitled an Act relating to the creation of the Jackson County County-Wide Drainage District as a conservation and reclamation district in Jackson County, etc., and declaring an emergency."

S. B. No. 179, A bill to be entitled "An Act providing for the sale by the State to the City of Port Arthur, Texas, a tract of land in Jefferson County, Texas, known as H. B. No. 541, Chapter 219, Acts of the 54th Legislature, Regular Session, 1955, and amending the Act by repealing Section 7 thereof; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Presentation of Guest

Senator Creighton, by unanimous consent, presented as a guest of the Senate today Mr. Gene Bates, the brother of Senator Jim Bates.

Senate Bill 798 on First Reading

By unanimous consent, Senator Word moved that Senate Rule 108 and section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Brooks	Mauzy
Cole	McKool
Connally	Moore
Creighton	Patman
Grover	Schwartz
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Absent—Excused

Blanchard	Ratliff
Bridges	Snelson
Christie	

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senators Word, Hall and Mauzy:

S. B. No. 798, A bill to be entitled "An Act relating to the creation of the office of Ombudsman for the State of Texas; providing for powers, duties, and the administration of his office; and declaring an emergency."

To the Committee on State Affairs.

Senate Bill 799 on First Reading

By unanimous consent, Senator Word moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Brooks	Mauzy
Cole	McKool
Connally	Moore
Creighton	Patman
Grover	Schwartz
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Absent—Excused

Blanchard	Bridges
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Christie	Snelson
Ratliff	

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Word:

S. B. No. 799, A bill to be entitled "An Act relating to regulation of certain milk products imported into Texas; amending Chapter 394, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 165-3a, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on State Affairs.

Message From the Governor

The following message received from the Governor was read and was filed with the Secretary of the Senate:

May 2, 1969.

TO THE SENATE, SIXTY-FIRST LEGISLATURE, REGULAR SESSION:

Pursuant to Senate Concurrent Resolution No. 72, I am herewith returning Senate Bill No. 168.

Respectfully submitted,
PRESTON SMITH,
Governor

Reconsideration of Vote by Which
Senate Concurred in House
Amendments to Senate
Bill 168

Senator Brooks moved to suspend that portion of Senate Rule 52 relating to reconsideration in order that he might reconsider the vote by which the House concurred in House amendments to S. B. No. 168.

The motion prevailed by the following vote:

Yeas—26

Aikin	Harris
Bates	Hazlewood
Bernal	Herring
Berry	Hightower
Brooks	Jordan
Cole	Kennard
Connally	Mauzy
Creighton	McKool
Grover	Moore
Hall	Patman
Harrington	Schwartz

Strong	Wilson
Watson	Word

Absent—Excused

Blanchard	Ratliff
Bridges	Snelson
Christie	

On motion of Senator Brooks and by unanimous consent, the vote by which the Senate concurred in House amendments to S. B. No. 168 was reconsidered.

Question—Shall the Senate concur in House amendments to S. B. No. 168?

The Senate again concurred in House amendments to S. B. No. 168 by the following vote:

Yeas—26

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Brooks	Mauzy
Cole	McKool
Connally	Moore
Creighton	Patman
Grover	Schwartz
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Absent—Excused

Blanchard	Ratliff
Bridges	Snelson
Christie	

Committee Substitute Senate Bill 126 on Second Reading

On motion of Senator Cole, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 126, A bill to be entitled "An Act relating to the filing and recording of subdivision plats and requirements for subdivisions in unincorporated areas in the state; prescribing the powers and duties of county commissioners' courts under this Act; prescribing penalties and providing for enforcement of this Act; repealing Chapter 436, Acts of the 55th Legislature, Regular Session,

1957 (Article 6626a, Vernon's Texas Civil Statutes), as amended, and Chapter 151, Acts of the 52nd Legislature, Regular Session, 1951 (Article 2372k, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency."

The bill was read second time.

Senator Cole offered the following amendment to the bill:

Amend C. S. S. B. No. 126 by adding the following section:

Sec. 3.06. Effect of Extension of City Jurisdiction. (a) This section applies to a subdivision with respect to which all of the following conditions exist:

(1) The map or plat of the subdivision has been approved by a county commissioners' court and recorded in compliance with the provisions of this Act.

(2) The owner of the tract being subdivided was required to and has given the bond provided for in paragraph (5) of Section 3.05 of this Act.

(3) The bond provides for the proper and timely performance of the requirements established by the commissioners' court pertaining to roads, streets, water and sewerage service facilities, drainage, lots, or otherwise, pursuant to the authority in Section 3.03, 3.04, or 3.05 of this Act.

(4) The work covered by the bond has been completed or, if it has not been completed, then the time for completion of the work as provided in the bond has not expired.

(5) After the map or plat has been recorded, the subdivision is brought within the territorial or extraterritorial jurisdiction of a city, or the city exercises its extraterritorial jurisdiction over the area within which the subdivision is located by adopting an ordinance under authority of Section 4 of the Municipal Annexation Act (Art. 970a, Vernon's Texas Civil Statutes).

(b) Under the circumstances enumerated in Subsection (a) of this section, the city is not empowered to require that the map or plat of the subdivision is changed or that any further or additional approval of the map or plat be obtained from the city. In addition, the city is not empowered to change the specifications established by the commissioners' court for the subdivision if the changes will result in a taking or damaging of property, unless adequate compensa-

tion is paid; this applies, however, only to the extent that the work to which the specifications apply is covered or provided for in the bond, and only if the work has been or is thereafter completed within the time provided in the bond or any reasonable extension of that time granted by the commissioners' court.

(c) Nothing in this section changes, enlarges or limits, or is intended to change, enlarge or limit, in any way, any legal duties, responsibilities, and obligations which the city might otherwise have with respect to the subdivision or the owners of property therein; any rights of the owners of property in the subdivision; or any rights, powers and privileges which the city may otherwise have under any other laws, including those pertaining to zoning, subdividing within a city, replatting or re-subdividing of any subdivision or part thereof to which this section applies, and city building, plumbing, electrical, and other construction codes.

The amendment was read and was adopted.

Senator Berry offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 126, by striking all of Section 1.04, Applicability, in Subchapter A, General Provisions, and substituting in lieu thereof the following:

"Sec. 1.04. Applicability. This Act applies to every person owning a tract of land situated without the corporate limits of any city in counties of 1,200,000 population or more, according to the 1960 Federal Census, in the State who, after the effective date of this Act subdivides the tract."

The amendment was read.

Senator Cole moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—17

Aikin	Hall
Brooks	Hazlewood
Cole	Herring
Creighton	Hightower
Grover	Jordan

Mauzy	Schwartz
McKool	Strong
Moore	Word
Patman	

Nays—6

Bates	Harrington
Bernal	Harris
Berry	Ratliff

Absent

Connally	Watson
Kennard	Wilson

Absent—Excused

Blanchard	Christie
Bridges	Snelson

Senator Berry offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 126, by striking all of Section 1.04, Applicability, in Subchapter A, General Provisions, and substituting in lieu thereof the following:

"Sec. 1.04. Applicability. This Act applies to every person owning a tract of land situated without the corporate limits of any city in counties with less than 650,000 population and more than 700,000 population, according to the 1960 Federal Census, in the State who, after the effective date of this Act subdivides the tract."

The amendment was read.

Senator Cole moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—11

Aikin	Hightower
Cole	Jordan
Creighton	Patman
Grover	Schwartz
Harrington	Watson
Herring	

Nays—12

Bates	Mauzy
Bernal	McKool
Berry	Moore
Connally	Ratliff
Hall	Strong
Harris	Word

Absent

Brooks	Kennard
Hazlewood	Wilson

Absent—Excused

Blanchard	Christie
Bridges	Snelson

The amendment was then adopted.

Record of Vote

Senator Cole asked to be recorded as voting "Nay" on the adoption of the above amendment.

On motion of Senator Cole, and by unanimous consent, the the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Vote

Senator Berry asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Committee Substitute
Senate Bill 126 on Third Reading

Senator Cole moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 126 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Brooks	Mauzy
Cole	McKool
Connally	Moore
Creighton	Patman
Grover	Ratliff
Hall	Schwartz
Harrington	Strong
Harris	Watson
Hazlewood	Wilson
Herring	Word

Nays—1

Berry

Absent—Excused

Blanchard	Christie
Bridges	Snelson

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Concurrent Resolution 73
Ordered Not Printed

On motion of Senator Moore, and by unanimous consent, S. C. R. No. 73 was ordered not printed.

Senate Concurrent Resolution 73 on
Second Reading

On motion of Senator Moore, and by unanimous consent, the regular order of business, Senate Rules 32 and 36 were suspended to take up for consideration at this time the following resolution:

S. C. R. No. 73—Granting permission to Texas and Pacific Railway Company to sue the State of Texas.

The resolution was read.

On motion of Senator Moore, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Bill 585 on Second Reading

On motion of Senator Watson, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 585, A bill to be entitled "An Act relating to creation of new judicial districts; providing for severability; and declaring an emergency."

The bill was read second time.

(President in the Chair.)

Senator Watson offered the following Committee Amendment to the bill:

Amend Senate Bill No. 585 as follows:

(1) Amend Subchapter C, to read as follows:

Subchapter C. Creation of Districts
Sec. 3.001. (a) The 192nd Judicial District is created. It is composed of the county of Nueces.

(b) The 192nd District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

Sec. 3.002. (a) The 238th Judicial District is created. It is composed of the county of Tarrant.

(b) The 238th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

Sec. 3.003. (a) The 149th Judicial District is created. It is composed of the county of Brazoria.

(b) The 149th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

Sec. 3.004. (a) The 168th Judicial District is created. It is composed of the county of Midland.

(b) The 168th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts, but shall give preference to cases involving family law matters. Family law matters include: (1) adoptions; (2) birth records; (3) divorce and marriage annulment; and (4) child welfare, custody, support and reciprocal support, dependency, neglect, and delinquency.

(c) The Midland County Juvenile Board shall continue in existence, and shall be composed of the County Judge of Midland County, and the judges of the district courts of Midland County. The juvenile board is authorized to designate the 168th District Court as the Juvenile Court of Midland County. The members of the juvenile board shall receive compensation for their services as members of the juvenile board as is provided by the laws of this state governing compensation for members of juvenile boards. The compensation shall be paid by Midland County.

Sec. 3.005. (a) The 181st Judicial District is created. It is composed of the county of Potter.

(b) The 181st District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

Sec. 3.006. (a) The 194th Judicial District is created. It is composed of the county of El Paso.

(b) The 194th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

Sec. 3.007. (a) The 195th Judicial District is created. It is composed of the county of Harris.

(b) The 195th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

Sec. 3.008. (a) The 196th Judicial District is created. It is composed of the county of Harris.

(b) The 196th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

Sec. 3.009. (a) The 197th Judicial District is created. It is composed of the county of Harris.

(b) The 197th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

Sec. 3.010. (a) The 198th Judicial District is created. It is composed of the county of Harris.

(b) The 198th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

Sec. 3.011. (a) The 230th Judicial District is created. It is composed of the counties of Cameron and Willacy.

(b) The 230th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

Sec. 3.012. (a) The 233rd Judicial District is created. It is composed of the county of Dallas.

(b) The 233rd District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

Sec. 3.013. (a) The 234th Judicial District is created. It is composed of the county of Dallas.

(b) The 234th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

Sec. 3.014. (a) The 235th Judicial District is created. It is composed of the county of Dallas.

(b) The 235th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

Sec. 3.015. (a) The 237th Judicial District is created. It is composed of the county of McLennan.

(b) The 237th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

Sec. 3.016. (a) The 239th Judicial District is created. It is composed of the county of Jefferson.

(b) The 239th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

Sec. 3.017. (a) The 242nd Judicial District is created. It is composed of the county of Angelina.

(b) The 242nd District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

Sec. 3.018 (a) The Criminal Judicial District No. 6 of Dallas County is created. It is composed of the county of Dallas.

(b) The Criminal District Court No. 6 of Dallas County has the jurisdiction provided by the constitution and general laws of this state for district courts, but shall give preference to criminal cases. The Criminal District Court No. 6 shall participate in all matters relating to juries, grand juries, indictments, and the docketing of cases in the same manner as the existing criminal district courts.

Sec. 3.019. (a) The Criminal Judicial District No. 7 of Dallas County is created. It is composed of the county of Dallas.

(b) The Criminal District Court No. 7 of Dallas County has the jurisdiction provided by the constitution and general laws of this state for district courts, but shall give preference to criminal cases. The Criminal District Court No. 7 shall participate in all matters relating to juries, grand juries, indictments, and docketing of cases in the same manner as the existing criminal district courts.

Sec. 3.020. (a) The 243rd Judicial District is created. It is composed of the county of Bexar.

(b) The 243rd District Court has the jurisdiction provided by the constitution and general laws of this state for district courts, but shall give preference to criminal cases. The 243rd District Court shall participate in all matters relating to juries, grand juries, indictments, and docketing of cases in the same manner as the existing district courts which handle criminal cases.

Sec. 3.021. (a) The 244th Judicial District is created. It is composed of Bexar County.

(b) The 244th District Court has the jurisdiction provided by the constitution and general laws for district courts, but shall give preference to criminal cases. The 244th District Court shall participate in all matters relating to juries, grand juries, indictments, and docketing of cases in the same manner as the existing district courts which handle criminal cases.

Sec. 3.022. (a) The 232nd Judicial

District is created. It is composed of Gregg County.

(b) The 232nd District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

(2) Amend Subchapter D, by adding Sections 4.003, 4.004, 4.005, 4.006, and 4.007 to read as follows:

Sec. 4.003. (a) Section 3.004 of this Act takes effect January 1, 1971, and a judge for the 168th District Court of Midland County shall be elected in the general election of 1970.

(b) Effective January 1, 1971, Chapter 537, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 2338-20, Vernon's Texas Civil Statutes), is repealed.

Sec. 4.004. Section 3.015 of this Act takes effect January 1, 1971, and a judge for the 237th District Court of McLennan County shall be elected in the general election of 1970.

Sec. 4.005. Subdivision 71, Article 199, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"71. Harrison.

"The Seventy-first Judicial District shall be composed of the County of Harrison, and the terms of the District Court are hereby designated and shall be held therein each year as follows: On the first Monday in January, March, May, July, September, and November of each year and each term of the Court shall continue in session until and including the Saturday before the next succeeding term begins or until all business is disposed of."

Sec. 4.006. Sections 17 and 19, Chapter 23, Acts of the 42nd Legislature, 1st Called Session, 1931, as amended (Subdivision 124, Article 199, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 17. The District Clerk of Gregg County, Texas, duly elected and now acting as such, shall be the District Clerk of the said One Hundred Twenty-fourth Judicial District. He shall receive such salary as is now or may be hereafter prescribed for District Clerks of the State of Texas."

"Section 19. The Criminal District Attorney for the One Hundred Twenty-fourth Judicial District of Texas shall have and exercise all such powers, duties and privileges as are now by law conferred, or which may here-

after be conferred, upon District and County Attorneys, and shall represent the State of Texas in all Criminal cases under examination or prosecution in the One Hundred Twenty-fourth Judicial District and in the County Court, Justice Court and all Municipal Courts of Gregg County, Texas, where the defendant is charged with violating a State Law, and shall be entitled to collect the fees provided by Law for representing the State of Texas in said Municipal Courts, which fees are the same as the fees for representing the State in Justice Courts."

Sec. 4.007. (a) All cases and proceedings pending on the effective date of this Act in the 71st District Court in Gregg County shall be transferred in equal numbers to the 124th and 232nd District Courts. All process and writs issued from the 71st District Court sitting in Gregg County and made returnable to the 71st District Court sitting in Gregg County are hereby made returnable to the 124th or 232nd District Court, as the case may be. The obligees in all bonds and recognizances taken in and for the 71st District Court sitting in Gregg County, and all witnesses summoned to appear before the 71st District Court in Gregg County, are required to appear before the 124th or 232nd District Court as directed by the 124th or 232nd District Court but not at a time earlier than originally required.

(b) The judge of the 71st District Court is continued in office until the expiration of the term to which he was elected and until his successor is elected and has qualified.

The Committee Amendment was read.

Senator Brooks offered the following amendment to the Committee Amendment:

Amend Committee Amendment No. —, to Senate Bill No. 585, by amending Sections 3.007, 3.008, 3.009, and 3.010 to read as follows:

Sec. 3.007. (a) The 225th Judicial District is created. It is composed of the county of Harris.

(b) The 225th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts, but shall give preference to criminal cases. The 225th District Court shall participate in all matters relating to juries,

grand juries, indictments, and docketing of cases in the same manner as the existing district courts which handle criminal cases.

Sec. 3.008. (a) The 226th Judicial District is created. It is composed of the county of Harris.

(b) The 226th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts, but shall give preference to criminal cases. The 226th District Court shall participate in all matters relating to juries, grand juries, indictments, and docketing of cases in the same manner as the existing district courts which handle criminal cases.

Sec. 3.009. (a) The 227th Judicial District is created. It is composed of the county of Harris.

(b) The 227th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts, but shall give preference to criminal cases. The 227th District Court shall participate in all matters relating to juries, grand juries, indictments, and docketing of cases in the same manner as the existing district courts which handle criminal cases.

Sec. 3.010. (a) The 228th Judicial District is created. It is composed of the county of Harris.

(b) The 228th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts, but shall give preference to criminal cases. The 228th District Court shall participate in all matters relating to juries, grand juries, indictments, and docketing of cases in the same manner as the existing district courts which handle criminal cases.

The amendment to the Committee Amendment was read and was adopted.

Senator Word offered the following amendment to Committee Amendment:

Amend Committee Amendment No. 1 to S. B. No. 585 by adding a new section as follows:

"Section 3.023. (a) The 240th Judicial District is created. It is composed of the counties of Comal and Guadalupe.

(b) The 240th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

The amendment to the Committee Amendment was read and was adopted.

Senator Mauzy offered the following amendment to the Committee Amendment:

Amend Committee Amendment No. 1 to S. B. No. 585 by striking out Sec. 3.012 (a), Section 3.012 (b), Section 3.013 (a), Section 3.013 (b), Section 3.014 (a) and Section 3.014 (b), Section 3.018 (a), Section 3.018 (b), Section 3.019 (a), and Section 3.019 (b).

The amendment to the Committee Amendment was read and was adopted.

Senator Hall offered the following amendment to the Committee Amendment:

Amend Committee Amendment No. 1 to S. B. 585 by adding two new sections as follows:

"Section 3.024. (a) The 158th Judicial District is created. It is composed of the counties of Denton and Cooke.

(b) The 158th Judicial District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

Section 3.025. (a) The 159th Judicial District is created. It is composed of Hunt County.

(b) The 159th Judicial District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

The amendment to the Committee Amendment was read and was adopted.

Senator Word offered the following amendment to the Committee Amendment:

Amend Committee Amendment No. 1 to S. B. 585 by adding a new Section 4.008 to read as follows:

Sec. 4.008—

Section 1. Subdivision 33, Article 199, Revised Civil Statutes of Texas, 1925, as last amended by Section 4, Chapter 337, Acts of the 54th Legislature, 1955, is amended to read as follows:

"33. Blanco, San Saba, Llano, Burnet, and Gillespie

"The Thirty-third Judicial District shall be composed of the Counties of

Blanco, San Saba, Llano, Burnet, and Gillespie, and the terms of the district court shall be held therein as follows:

"In Blanco County, beginning on the first Monday in February and September.

"In San Saba County, beginning on the second Monday in March and October.

"In Llano County, beginning on the first Monday in April and November.

"In Burnet County, beginning on the fourth Monday in April and November.

"In Gillespie County, beginning on the fourth Monday in February and September.

"Each term of court in each of such counties shall continue until the date herein fixed for the beginning of the next succeeding term. The judge of the district may hold as many sessions of court during each term as is deemed proper and expedient for the dispatch of business."

Sec. 2. Sections 3 and 4, Chapter 367, Acts of the 42nd Legislature, Regular Session, 1931, as last amended by Section 1, Chapter 106, Acts of the 48th Legislature, Regular Session, 1943, are amended to read as follows:

"Section 3. The 35th Judicial District shall be composed of the counties of Brown and Coleman.

"Section 4. The terms of said District Court shall be held in said counties each year as follows:

"In the County of Brown on the first Mondays in February, June and November.

"In the County of Coleman on the first Mondays in April and September.

"Each term of court in each of such counties may continue in session until the date herein fixed for the beginning of the next succeeding term therein."

Sec. 3. Subdivision 38, Article 199, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 337, Acts of the 54th Legislature, 1955, is amended to read as follows:

"38. Medina, Uvalde, and Zavala

"The Thirty-eighth Judicial District shall be composed of the Counties of Medina, Uvalde, and Zavala, and the terms of the district court shall be held therein as follows:

"In Medina County, beginning on the first Monday in January and June.

"In Uvalde County, beginning on

the first Monday in February and September.

"In Zavala County, beginning on the first Monday in March and October.

"Each term of court in each of such counties shall continue until the date herein fixed for the beginning of the next succeeding term. The judge of the district may hold as many sessions of court during each term as is deemed proper and expedient for the dispatch of business."

Sec. 4. Section 2, Chapter 337, Acts of the 54th Legislature, 1955, is amended to read as follows:

"Section 2. The Second Thirty-eighth Judicial District of Texas shall be composed of the Counties of Kerr, Bandera, Kendall, Kimble, Edwards, Real, Menard, Mason, McCulloch, and Concho.

"The terms of the Second Thirty-eighth District Court shall begin on the first Mondays in January and July of each year.

"Each term of court in each county shall continue until the date fixed for the beginning of the next succeeding term. The judge of the district may hold as many sessions of court during each term as is deemed proper and expedient for the dispatch of business."

Sec. 5. Subdivision 63, Article 199, Revised Civil Statutes of Texas, 1925, as last amended by Sections 1 and 2, Chapter 3, Acts of the 52nd Legislature, Regular Session, 1951, is amended to read as follows:

"63. Val Verde, Terrell, Maverick, and Kinney.

"Section 1. The Sixty-third Judicial District shall be composed of the Counties of Val Verde, Terrell, Maverick, and Kinney, and the terms of the District Court are hereby designated and shall be held therein each year as follows:

"In the County of Val Verde on the first Monday in January and the first Monday in June;

"In the County of Terrell on the first Monday in February and the third Monday in August;

"In the County of Maverick on the first Monday in March and the second Monday in September; and

"In the County of Kinney on the first Monday in April and the first Monday in October.

"Each term of Court in each of such counties may continue until the

date herein fixed for the beginning of the next succeeding term therein.

"Section 2. The judge of said Court, in his discretion, may hold as many sessions of Court in any term of the Court in any county as is deemed by him proper and expedient for the dispatch of business."

Sec. 6. Section 5, Chapter 367, Acts of the 42nd Legislature, Regular Session, 1931, as last amended by Section 2, Chapter 319, Acts of the 48th Legislature, 1943, is amended to read as follows:

"Section 5. (a) The One Hundred and Nineteenth Judicial District of Texas shall be composed of Coleman, Runnels, and Tom Green Counties; the terms of the District Court shall be held therein each year as follows:

"In the County of Coleman on the first Mondays in January and June.

"In the County of Runnels on the first Mondays in March and October.

"In the County of Tom Green on the first Mondays in April and November.

"Each term of court in each of such counties may continue until the date herein fixed for the beginning of the next succeeding term therein.

"(b) The judge of said court in his discretion may hold as many sessions of court in any term of the court in any county as is deemed by him proper and expedient for the dispatch of business.

"(c) All processes issued, bonds and recognizances made and all grand and petit juries drawn before this Act takes effect shall be valid for and returnable to the next succeeding term of the District Courts of the several counties as herein fixed as though issued and served for such terms and returnable to and drawn from the same.

"(d) It is further provided that if any court in any county of said district shall be in session at the time this Act takes effect such court or courts affected thereby shall continue in session until the term thereof shall expire under the provisions of existing laws, but thereafter all courts in said district shall conform to the requirements of this Act."

Sec. 7. (a) The 236th Judicial District is hereby created composed of the counties of Edwards, Real, Bandera, Kerr, Kimble, Menard, Mason, McCulloch, Kendall, and Concho.

(b) The 236th District Court shall

have all the jurisdiction and powers vested by the constitution and laws of this state in district courts. The 236th and Second 38th District Courts shall exercise concurrent jurisdiction in each county.

(c) The 236th District Court shall hold two terms of court each year in each county. The terms in each county shall begin on the first Mondays in January and July of each year and shall continue until the convening of the next term. The judge of the 236th District Court may hold as many sessions of court in any term in each county as is deemed by the judge proper and expedient for the dispatch of business.

(d) The judge of the 236th and Second 38th District Courts shall each have the right to select jury commissioners and empanel grand juries in each county. The judge of the 236th District Court shall order a grand jury drawn for the January term of court in each county, and the judge of the Second 38th District Court shall order a grand jury drawn for the July term of court for each county. The judges of the 236th and Second 38th District Courts may each order grand and petit juries to be drawn for any term of his court as in his judgment is necessary, by an order entered in the minutes of the court. Indictments are returnable to either district court.

(e) The judge of each court may transfer any cause on his docket to the docket of the other district court having jurisdiction over the cause with the consent of the judge of the court to which transferred. The judges of the 236th and Second 38th District Courts may exchange benches, or either may sit for the other and may hear and determine any case pending. The judge of either court may hear and determine any motion or ancillary matter in any case pending in either court, without transferring the case. All writs and processes issued and all bonds and recognizances made in any case transferred shall be returnable to the court to which transferred as originally issued there.

(f) The district clerk and sheriff of each county shall serve as the district clerk and sheriff respectively for the 236th and Second 38th District Courts in their county. The judge of the 236th District Court may appoint an official shorthand reporter who

must have the qualifications required by law, and who shall be compensated as provided by law.

(g) The office of the district attorney for the 236th Judicial District is created. The district attorney shall represent the state in all matters pending before the court of his district, in each county. The district attorneys of the 236th and Second 38th Judicial Districts shall assist each other in the conduct of their duties. The district attorney of the 236th Judicial District shall have the qualifications required by law for district attorneys and shall receive the compensation provided by law for district attorneys.

(h) On the effective date of this Act, the district clerk of each county transferred to the 236th and Second 38th Judicial Districts shall transfer all cases pending on the dockets of the District Courts from which the counties were transferred to the dockets of the 236th and Second 38th District Courts in a manner that will equalize the dockets of the courts. The district clerk of Gillespie County shall transfer all cases on the docket of the Second 38th District Court in Gillespie County to the docket of the 33rd District Court. All writs and processes issued, and all bonds and recognizances made in cases transferred shall be returnable to the court to which the case is transferred, as if originally issued there. All subsequent cases within the jurisdiction of the 236th and Second 38th District Courts, filed with the district clerk of each county, shall be distributed between the 236th and Second 38th District Courts in a manner that will equalize their dockets.

Sec. 8. Immediately upon the effective date of this Act, the governor shall appoint a judge for the 236th District Court and a district attorney for the 236th Judicial District. The district judge and district attorney appointed shall serve until the next general election and until their successors have been elected and have qualified. The judge of the Second 38th District Court and the district attorney for the Second 38th Judicial District on the effective date of this Act shall remain in office for the remainder of their term and until their successors have been elected and have qualified.

Sec. 9. This Section takes effect January 15, 1971.

The amendment to the Committee amendment was read and was adopted.

Senator Creighton offered the following amendment to the Committee Amendment:

Amend Committee Amendment No. 1 to Senate Bill No. 585 as follows:

(1) Add a new Section 3.023 to read as follows:

Sec. 3.023. (a) The Criminal Judicial District No. 4 of Tarrant County is created. It is composed of the County of Tarrant.

(b) The Criminal District Court No. 4 of Tarrant County has the jurisdiction provided by the constitution and general laws of this state for district courts, but shall give preference to criminal cases. The Criminal District Court No. 4 shall participate in all matters relating to juries, grand juries, indictments, and the docketing of cases in the same manner as the existing criminal district courts.

(2) Add a new section 4.008 to read as follows:

Sec. 4.008. Section 3.023 of this Act takes effect January 1, 1971.

CREIGHTON
KENNARD

The amendment to the Committee Amendment was read and was adopted.

Senator Watson offered the following amendment to the Committee Amendment, for Senator Snelson:

Amend Senate Bill No. 585, Committee Amendment No. 1, Subchapter C, Section 3.004, to read as follows:

"Sec. 3.004. (a) The 168th Judicial District is created. It is composed of the county of Midland.

(b) The 168th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts, but shall give preference to cases involving family law matters. Family law matters include: (1) adoptions; (2) birth records; (3) divorce and marriage annulment; and (4) child welfare, custody, support and reciprocal support, dependency, neglect, and delinquency.

(c) Except as otherwise provided in this section, when a family district court is created in a county, that the county judge, the family district

court judge or judges, and the district judge or judges whose jurisdiction includes the county. The members of the juvenile board shall select a family district court judge to serve as chairman of the board, and designate one of its members as the juvenile judge in Midland County, Texas. The juvenile board has the powers and duties prescribed by law.

(d) The juvenile board shall appoint a chief juvenile probation officer who shall serve as the chief administrative officer of the family district court at the pleasure of the juvenile board. Subject to approval of the juvenile board, the chief juvenile probation officer shall select as many assistant probation officers and other personnel as are necessary to perform the duties assigned him by the juvenile board.

(e) The commissioners court may compensate juvenile board members for their duties performed on the juvenile board, and this compensation is in addition to all other compensation paid by the state or county to district, family district, and county judges. On recommendation of the juvenile board, the commissioners court shall also

(1) fix the compensation of the chief juvenile probation officer and the members of his staff; and

(2) provide the physical facilities necessary to operate the juvenile board.

(f) The creation of a family district court in a county also creates a juvenile board in the county if one does not exist."

The amendment to the Committee Amendment was read and was adopted.

Senator Connally offered the following amendment to the Committee Amendment:

Amend Committee Amendment to Senate Bill No. 585 as follows:

(1) Add a new Section 3.026 to read as follows:

Sec. 3.026. (a) The 229th Judicial District is created. It is composed of the counties of Duval, Starr, and Jim Hogg.

(b) The 229th District Court has the jurisdiction provided by the constitution and general laws of this state for district courts.

(2) Add a new Section 4.009 to read as follows:

Sec. 4.009. Subdivision 49, Article 199, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 34, Acts of the 48th Legislature, 1943, is amended to read as follows:

"49. Dimmit, Webb, Zapata

"Section 1. The 49th Judicial District is composed of the counties of Dimmit, Webb, and Zapata.

"Section 2. The 49th District Court shall have and exercise all jurisdiction now or hereafter prescribed by the Constitution and laws of this state for district courts.

"Section 3. The terms of the 49th District Court shall be:

"In the County of Dimmit on the first Mondays in February and September and on the second Monday in May.

"In the County of Zapata on the fourth Mondays in February, May, and September.

"In the County of Webb on the third Mondays in March, June, and October.

"Each term of court in each county may continue until the date fixed for the beginning of the next succeeding term. The judge of the court, in his discretion, may hold as many sessions of court in any term of the court in any county as is deemed by him proper and expedient for the dispatch of business."

(3) Add a new Section 4.010 to read as follows:

Sec. 4.010. Subdivision 79, Article 199, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 27, Acts of the 51st Legislature, 1st Called Session, 1950, is amended to read as follows:

"79. Jim Wells and Brooks

"Section 1. The 79th Judicial District shall be composed of the counties of Jim Wells and Brooks.

"Section 2. The 79th District Court shall have and exercise all jurisdiction now or hereafter prescribed by the Constitution and laws of this state for district courts.

"Section 3. The terms of the 79th District Court shall be:

"In the County of Brooks, beginning at 10 on the first Monday in February and at 10 on the first Monday in September and may continue in session until 10 of the Monday for convening the next regular term of such court in Brooks County.

"In the County of Jim Wells, be-

ginning at 10 on the first Monday in March and at 10 on the first Monday in October and may continue in session until 10 of the Monday for convening the next regular term of such court in Jim Wells County.

"The judge of said court in his discretion may hold as many sessions of court in any term of the court in any county as is deemed by him proper and expedient for the dispatch of business."

(4) Add a new Section 4.010 to read as follows:

Sec. 4.010. (a) The office of District Attorney for the 229th Judicial District is established. The district attorney has the powers and duties prescribed by law for district attorneys. On the effective date of this Act, the Governor shall appoint a district attorney for the 229th Judicial District who shall serve until the general election in 1970, and until his successor is elected and has qualified. A District Attorney for the 229th Judicial District shall be elected at the general election in 1970 for the remainder of a term expiring on December 31, 1972. Thereafter, beginning with the general election in 1972, he shall be elected every four years for a four-year term beginning on January 1 following his election."

(b) The District Attorney of the 229th Judicial District may be paid a supplemental salary, at the discretion of the District Judge of the 229th Judicial District, in an amount not to exceed \$5,100 per annum. The Commissioners Courts of Duval, Starr, and Jim Hogg Counties are authorized to pay the salary in supplementation of the salary paid by the state, in equal monthly payments out of the county funds by warrants drawn on the county funds.

(c) The district attorney is hereby authorized to appoint one assistant district attorney for the 229th Judicial District provided that the district attorney shall furnish data to the Commissioners Courts of Duval, Starr, and Jim Hogg Counties, that he is in need of an assistant and that it is necessary and to the best interests of the state and the counties that an assistant district attorney be appointed. The assistant district attorney shall be a qualified resident of the 229th Judicial District and shall give bond and take the official oath; and the assistant district attorney shall be

a qualified licensed attorney and shall have authority to perform all the acts and duties of the district attorney in the 229th Judicial District under the laws of this state. The appointment shall be for such time as the district attorney shall deem best in the enforcement of the law, not to be less than one month. The assistant district attorney shall be paid by Duval, Starr, and Jim Hogg counties at a rate not to exceed \$8,400 per annum, in 12 equal monthly installments out of county funds by warrants drawn upon such county funds. The district attorney, at any time he deems the assistant unnecessary or finds that he is not attending to his duties as required by law, may remove the person from office by giving written notice to the assistant and to the commissioners courts to that effect.

(d) The district attorney is hereby authorized to appoint one part-time assistant and one full-time assistant to serve in addition to his regular assistant, provided for in this Act, which assistants need not be licensed to practice law. The assistants shall be known as special investigators, and shall perform such duties as may be assigned to them by the district attorney. The part-time assistant shall receive as compensation a salary not to exceed \$3,600 per annum, and the full-time assistant shall receive as compensation a salary not to exceed \$7,200 per annum, payable monthly out of county funds by warrants drawn on such county funds. The special investigators shall have authority under the direction of the district attorney to make arrests and execute process in criminal cases and shall have all the rights and duties of a peace officer in criminal cases and in cases growing out of the enforcement of all laws. They shall serve at the will of the district attorney and may be removed from office by written notice by the district attorney to the special investigator concerned and to the commissioners courts to that effect.

(e) The district attorney is hereby authorized to appoint one stenographer-secretary, who shall keep the records of the District attorney's office and perform the necessary stenographic and secretarial work, as may be assigned by the district attorney, and who shall receive as compensation a salary not to exceed \$4,800 per an-

num, payable monthly out of the county funds by warrants drawn on such county funds.

(f) The supplemental salary of the district attorney, the salaries of the assistants and secretary, and the operating expenses of the office shall be paid by Duval, Starr, and Jim Hogg counties and shall be apportioned among the counties according to the following formula: The percentage of the total to be paid by each county shall be the same as that county's percentage of the total population of the three counties according to the last federal census. The judge of the 229th Judicial District shall determine the percentage for each county and notify the commissioners court of the amount to be paid by each county to each employee, and the amount of each county's share of the operating expenses.

The amendment to the Committee Amendment was read and was adopted.

Record of Votes

Senators Mauzy, Jordan, Aikin and Brooks asked to be recorded as voting "Nay" on the adoption of the amendment by Senator Connally.

Senator Grover asked to be recorded as "Present and Not Voting" on the adoption of the amendment by Senator Connally.

Senator Watson offered the following amendment to the Committee Amendment for Senator Snelson:

Amend Senate Bill 585, Committee Amendment No. 1, Subchapter D, Section 4.003 to read as follows:

"Sec. 4.003. (a) Section 3.004 of this Act takes effect September 1, 1969, and a judge for the 168th District Court of Midland County shall be elected in the general election of 1970.

(b) Effective September 1, 1969, Chapter 537, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 2338-20, Vernon's Texas Civil Statutes), is repealed.

(c) The judge of the Court of Domestic Relations for Midland County will become the 168th District Court Judge and will be continued in office until the expiration of the term to which he was elected and will continue in office until his successor is elected and has qualified."

Senator Watson offered the following amendment to the Committee Amendment for Senator Wilson:

Amend Committee Amendment to Senate Bill 585 as follows:

(1) Amend Subchapter C, by adding a new Section — to read as follows:

Sec. — (a) The 241st Judicial District is created. It is composed of the counties of Anderson, Henderson, and Houston.

(b) The 241st District Court has the Jurisdiction provided by the constitution and general laws of this state for district courts.

(2) Amend Subchapter D, by adding a new Section — to read as follows:

Sec. —. Section — of this Act takes effect January 1, 1971, and a judge for the 241st District Court shall be elected in the general election of 1970.

The amendment to the Committee Amendment was read and was adopted.

The Committee Amendment as amended was then adopted.

Senator Watson offered the following Committee Amendment to the bill:

Amend Senate Bill 585 by renumbering Section 5.002 and adding a new Section 5.002 to read as follows:

Sec. 5.002. This Act takes effect September 1, 1969.

The Committee Amendment was read and was adopted.

Senator Word offered the following amendment to the bill:

Amend S. B. 585 by adding "Authorizing the Enrolling Clerk to renumber all Sections to conform."

The amendment was read and was adopted.

Record of Votes

Senators Moore, Aikin and Mauzy asked to be recorded as voting "Nay" on the adoption of the Committee Amendment as amended.

On motion of Senator Watson, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended passed to engrossment.

Senate Bill 585 on Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 585 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Brooks	Mauzy
Cole	McKool
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Nays—1

Moore

Absent—Excused

Blanchard	Christie
Bridges	Snelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 2, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 111, Commending Texas Dept of Mental Health and Mental Retardation, The Volunteer Councils, and The Texas Fine Arts Association; and authorizing an arts and crafts

display in the rotunda of the State Capitol Building on Friday, May 9, 1969.

H. C. R. No. 110, Congratulating Mr. and Mrs. John Bradley McKinney on their recent marriage.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

(Senator Aikin in the Chair.)

House Concurrent Resolution 111 on Second Reading

On motion of Senator Herring, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 111, Commending Texas Department of Mental Health and Mental Retardation, The Volunteer Councils, and The Texas Fine Arts Association; and authorizing an arts and crafts display in the rotunda of the State Capitol Building on Friday, May 9, 1969.

The resolution was read.

On motion of Senator Herring, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Bill 177 Laid on Table Subject to Call

On motion of Senator Harrington, and by unanimous consent, S. B. No. 177 was Laid on the Table Subject to Call.

House Bill 292 on Second Reading

On motion of Senator Connally, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 292, A bill to be entitled "An Act relating to the creation of the 229th Judicial District; reorganizing the 49th and 79th Judicial Districts; amending Subdivisions 49 and 79, Article 199, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

The bill was read second time.

Senator Connally offered the following Committee Amendment to the bill:

Amend House Bill No. 292 renumbering Section 7 and adding a new Section 7 to read as follows:

Sec. 7. This Act takes effect September 1, 1969.

The Committee Amendment was read and was adopted.

The bill as amended was passed to third reading.

House Bill 292 on Third Reading

Senator Connally moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 292 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Brooks	McKool
Cole	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

Nays—2

Mauzy	Moore
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Absent—Excused

Blanchard	Christie
Bridges	Snelson

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Mauzy and Jordan asked to be recorded as voting "Nay" on the final passage of the bill.

Senate Bill 769 on Second Reading

On motion of Senator Strong, and

by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 769, A bill to be entitled "An Act relating to removal of Gregg County from the 71st Judicial District; etc.; and declaring an emergency."

The bill was read second time.

Senator Strong offered the following Committee Amendment to the bill:

Amend Senate Bill No. 769 by renumbering Section 8 and adding a new Section 8 to read as follows:

Sec. 8. This Act takes effect September 1, 1969.

The Committee Amendment was read and was adopted.

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 769 by adding on line 58 of page 1 of the said S. B. 769 after word "Twenty-fourth" the word "and two hundred and thirty-second" and changing the word "District" to "Districts"

The amendment was read and was adopted.

On motion of Senator Strong, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 769 on Third Reading

Senator Strong moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 769 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Grover
Bates	Hall
Bernal	Harrington
Berry	Harris
Brooks	Hazlewood
Cole	Herring
Connally	Hightower
Creighton	Jordan

Kennard	Schwartz
Mauzy	Strong
McKool	Watson
Patman	Wilson
Ratliff	Word

Nays—1

Moore

Absent—Excused

Blanchard	Christie
Bridges	Snelson

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 197 on Second Reading

On motion of Senator Schwartz, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 197, A bill to be entitled "An Act creating the 181st Judicial District of Brazoria County; providing for its court, and for the jurisdiction, terms, personnel, administration, and practice of the court; and declaring an emergency."

The bill was read the second time.

Senator Schwartz offered the following Committee Amendment to the bill:

Amend S. B. 197 at Section 4, Subsection (a), by striking the period, substituting a comma, and adding the phrase "of other District Courts in Brazoria County."

The Committee Amendment was read and was adopted.

Senator Schwartz offered the following Committee Amendment to the bill:

Amend S. B. 197 at Section 4, Subsection (b), by striking the words "The district attorney of the 23rd Judicial District" and inserting in lieu thereof, "The Criminal District Attorney of Brazoria County."

The Committee Amendment was read and was adopted.

Senator Schwartz offered the fol-

lowing Committee Amendment to the bill:

Amend Senate Bill No. 197 by re-numbering Section 7 and adding a new Section 7 to read as follows:

Sec. 7. This Act takes effect September 1, 1969.

The Committee Amendment was read and was adopted.

On motion of Senator Schwartz, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 197 on Third Reading

Senator Schwartz moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 197 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Brooks	Mauzy
Cole	McKool
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Nays—1

Moore

Absent—Excused

Blanchard	Christie
Bridges	Snelson

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 60 on Second Reading

On motion of Senator Brooks, and by unanimous consent, the regular

order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 60, A bill to be entitled "An Act creating four additional District Courts of Harris County; etc.; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 60 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 60 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Brooks	Mauzy
Cole	McKool
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Nays—1

Moore

Absent—Excused

Blanchard	Christie
Bridges	Snelson

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 425 on Second Reading

On motion of Senator Watson, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 425, A bill to be entitled "An Act relating to the creation of

the 237th District Court with jurisdiction in McLennan County; etc.; and declaring an emergency."

The bill was read the second time.

Senator Watson offered the following Committee Amendment to the bill:

Amend Senate Bill No. 425 as follows:

(1) In Section 1 of the bill delete Section 2 on lines 30 through 34 of page 1, and renumber the subsequent sections within Section 1.

(2) Amend Section 2 of the bill on page 2 to read as follows:

Sec. 2. The 237th Judicial District and the 237th District Court are established for McLennan County. The judge of the 237th District Court shall receive the same amount of salary and supplemental compensation as the other district judges of McLennan County.

(3) Renumber Section 4 as Section 5, and insert a new Section 4 to read as follows:

Sec. 4. The first judge of the 237th District Court shall be elected in the general election of 1970. This Section takes effect January 1, 1970, and the remainder of this bill takes effect January 1, 1971.

The Committee Amendment was read and was adopted.

On motion of Senator Watson, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 425 on Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 425 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Cole
Bates	Connally
Bernal	Creighton
Berry	Grover
Brooks	Hall

Harrington	McKool
Harris	Patman
Hazlewood	Ratliff
Herring	Schwartz
Hightower	Strong
Jordan	Watson
Kennard	Wilson
Mauzy	Word

Nays—1

Moore

Absent—Excused

Blanchard	Christie
Bridges	Snelson

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 4 on Second Reading

On motion of Senator Berry, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 4, A bill to be entitled "An Act to create the 190th Judicial District and the 191st Judicial District and the 190th District Court of Bexar County and the 191st District Court of Bexar County, etc.; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 4 on Third Reading

Senator Berry moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 4 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Hall
Bates	Harrington
Bernal	Harris
Berry	Hazlewood
Brooks	Herring
Cole	Hightower
Connally	Jordan
Creighton	Kennard
Grover	Mauzy

McKool	Strong
Patman	Watson
Ratliff	Wilson
Schwartz	Word

Nays—1

Moore

Absent—Excused

Blanchard	Christie
Bridges	Snelson

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 724 Ordered Not Printed

On motion of Senator McKool, and by unanimous consent, S. B. No. 724 was ordered not printed.

Senate Bill 724 on Second Reading

On motion of Senator McKool, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 724, A bill to be entitled "An Act providing for a Juvenile Court in and for Dallas County to be known as Juvenile Court No. 2 of Dallas County; etc.; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 724 on Third Reading

Senator McKool moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 724 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Grover
Bates	Hall
Bernal	Harrington
Berry	Harris
Brooks	Hazlewood
Cole	Herring
Connally	Hightower
Creighton	Jordan

Kennard	Schwartz
Mauzy	Strong
McKool	Watson
Moore	Wilson
Patman	Word
Ratliff	

Absent—Excused

Blanchard	Christie
Bridges	Snelson

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 579 on Second Reading

On motion of Senator Jordan, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 579, A bill to be entitled "An Act amending Section 7, Chapter 502, Acts of the 45th Legislature, 1937, as amended by Chapter 358, 50th Legislature, 1947, and as amended by Chapter 388, 56th Legislature, Acts, 1959, (Article 6674s, Vernon's Texas Civil Statutes), relating to the incorporation of certain sections of Articles 8306, 8306a, 8307, 8307b, 8309 and 8309a of the Revised Civil Statutes of Texas, as amended and as may hereafter be amended, and repealing Section 8 of Article 6674s, Revised Civil Statutes of Texas; and declaring an emergency."

The bill was read second time.

(President in the Chair.)

Senator Jordan offered the following amendment to the bill:

Amend Senate Bill 579 by striking all of Sections 1 and 2 and substituting in lieu thereof the following:

Section 1. Section 7 of Chapter 502, Acts of the 45th Legislature, 1937, as last amended by Acts 1959, 56th Legislature, Page 862, Chapter 388, Section 1, codified in Vernon's as Section 7, Article 6674s, Vernon's Texas Civil Statutes, is amended to read as follows:

Section 7. Adoption of General Workmen's Compensation Laws.

(a) The following laws as amended or as they may hereafter be amended are adopted except to the extent that they are inconsistent with this Act:

(1) Sections 1, 3, 3a, 3b, 4, 5, 6, 7, 7a, 7b, 7c, 7d, 7e, 8, 8a, 8b, 9, 10, 11, 11a, 12, 12a, 12b, 12c, 12c-1, 12c-2, 12d, 12e, 12f, 12g, 12h, 12i, 13, 14, 15, 15a, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27, of Article 8306, Revised Civil Statutes of Texas, 1925, as amended;

(2) Section 1 of Chapter 248, Acts of the 42nd Legislature, Regular Session, 1931, as last amended by Acts 1955, 54th Legislature, Page 36, Chapter 26, Section 2, codified in Vernon's as Article 8306a, Vernon's Civil Statutes;

(3) Sections 4a, 6a, 11, 12, 13 and 14 of Article 8307, Revised Civil Statutes of Texas, 1925, as amended;

(4) Section 2 of Chapter 261, Acts of the 45th Legislature, 1937, codified in Vernon's as Article 8307b, Vernon's Civil Statutes;

(5) Sections 4 and 5 of Article 8309, Revised Civil Statutes of Texas, 1925, as amended; and

(6) Article 8309a, Revised Civil Statutes of Texas, 1925, as amended.

(b) Provided that whenever in the above adopted sections of Articles 8306, 8306a, 8307, 8307b, 8309 and 8309a of the Revised Civil Statutes of Texas, as amended the words "association," "subscriber," or "employer" or their equivalents appear in such Articles, they shall be construed to and shall mean "the department."

Section 2. Section 8 of Chapter 502, Acts of the 45th Legislature, 1937, codified in Vernon's as Section 8, Article 6674s, Vernon's Texas Civil Statutes, is hereby repealed.

The amendment was read and was adopted.

On motion of Senator Jordan, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill was read second time and passed to engrossment.

Senate Bill 579 on Third Reading

Senator Jordan moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three

several days be suspended and that S. B. No. 579 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Brooks	McKool
Cole	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word
Herring	

Absent—Excused

Blanchard	Christie
Bridges	Snelson

The President then laid the bill before the Senate on its third and final passage.

The bill was read third time and was passed.

Senate Bill 580 on Second Reading

On motion of Senator Jordan, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 580, A bill to be entitled "An Act amending Section 6, Chapter 428, Acts of the 51st Legislature, as amended by Chapter 178, 53rd Legislature, 1953 (Article 8309c, Vernon's Texas Civil Statutes), relating to the incorporation of certain sections of Articles 8306, 8306a, 8307, 8307b, 8309 and 8309a of the Revised Civil Statutes of Texas, as amended and as may hereafter be amended, and repealing Section 7 of Article 8309c, Revised Civil Statutes of Texas; and declaring an emergency."

The bill was read the second time.

Senator Jordan offered the following amendment to the bill:

Amend Senate Bill 580 by striking all of Sections 1 and 2 and substituting in lieu thereof the following:

Section 1. Section 6 of Chapter 428, Acts of the 51st Legislature, 1949, Regular Session, as last amended by Acts 1953, 53rd Legislature, Page 493, Chapter 178, Section 12, codified in Vernon's as Section 6 of Article 8309c, Vernon's Civil Statutes, is amended to read as follows:

Section 6. Adoption of General Workmen's Compensation Laws.

(a) The following laws as amended or as they may hereafter be amended are adopted except to the extent that they are inconsistent with this Act:

(1) Sections 1, 3, 3a, 3b, 4, 5, 6, 7, 7a, 7b, 7c, 7d, 7e, 8, 8a, 8b, 9, 10, 11, 11a, 12, 12a, 12b, 12c, 12c-1, 12c-2, 12d, 12e, 12f, 12g, 12h, 12i, 13, 14, 15, 15a, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27, of Article 8306, Revised Civil Statutes of Texas, 1925, as amended;

(2) Section 1 of Chapter 248, Acts of the 42nd Legislature, 1931, Regular Session as last amended by Acts 1955, 54th Legislature, Page 36, Chapter 26, Section 2, codified in Vernon's as Article 8306a, Vernon's Civil Statutes;

(3) Sections 4a, 6a, 11, 12, 13 and 14 of Article 8307, Revised Civil Statutes of Texas, 1925, as amended;

(4) Section 2 of Chapter 261, Acts of the 45th Legislature, 1937, codified in Vernon's as Article 8307b, Vernon's Civil Statutes;

(5) Sections 4 and 5 of Article 8309, Revised Civil Statutes of Texas, 1935, as amended; and

(6) Article 8309a, Revised Civil Statutes of Texas, 1925, as amended.

(b) Provided that whenever in the above Sections of Articles 8306, 8306a, 8307, 8307b, 8309 and 8309a of the Revised Civil Statutes of Texas, as amended the words "association," "subscriber," or "employer" or their equivalents appear in such Articles, they shall be construed to and shall mean "the county."

Section 2. Section 7 of Chapter 428, Acts of the 51st Legislature, 1949, codified in Vernon's as Section 7 of Article 8309c, Vernon's Civil Statutes, is hereby repealed.

The amendment was read and was adopted.

On motion of Senator Jordan, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 580 to Third Reading

Senator Jordan moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 580 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas--27

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Brooks	McKool
Cole	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word
Herring	

Absent—Excused

Blanchard	Christie
Bridges	Snelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 581 on Second Reading

On motion of Senator Jordan, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 581, A bill to be entitled "An Act relating to workmen's compensation coverage for municipal employees; repealing Chapter 327, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 8309e, Vernon's Texas Civil Statutes); and declaring an emergency."

The bill was read second time.

Senator Jordan offered the following amendment to the bill:

Amending Senate Bill 581 by strik-

ing all below the enacting clause and substituting in lieu thereof the following:

Section 1. By virtue of the provision of Section 61, Article III, Constitution of the State of Texas, granting the legislature power to pass such laws as may be necessary to enable all cities, towns, and villages of this state to provide for workmen's compensation insurance, including the right to provide its own insurance risk, for all city, town, and village employees as in its judgment is necessary or required, and to provide for the administration of such insurance in the cities, towns, and villages, of this state, and to provide for the payment of all costs, charges, and premiums on such policies of insurance and the benefits to be paid thereunder, provision is made as hereinafter set forth.

Section 2. The following words and phrases as used in this Act shall, unless a different meaning is plainly required by the context, have the following meanings, respectively:

(1) "City" whenever used in this Act shall be held to mean any duly and legally incorporated city in the State of Texas.

(2) "Town" whenever used in this Act shall be held to mean any duly and legally incorporated town in the State of Texas.

(3) "Village" whenever used in this Act shall be held to mean any duly and legally incorporated village in the State of Texas.

(4) "Employee" shall mean every person in the service of the city, town, or village who has been appointed in accordance with the provisions of the Act. No person in the service of the city, town, or village who is paid on a piecework basis or on a basis other than by the hour, day, week, month or year shall be considered an employee and entitled to compensation under terms of the provisions of this Act.

(5) "Insurance" shall mean workmen's compensation insurance.

(6) "Board" shall mean the Industrial Accident Board of the State of Texas.

(7) "Legal beneficiaries" shall mean the relatives named in Section 8a of Article 8306, of Revised Civil Statutes of Texas, 1925, adopted in Section 4 of this Act.

(8) "Average weekly wages" shall be as defined in Section 1, Article 8309 of Revised Civil Statutes of Texas, 1925, as amended or as it may hereafter be amended.

(9) The terms "injury" or "personal injuries" shall be as defined in Section 20 of Article 8306 of Revised Civil Statutes of Texas as amended or as it may be hereafter amended. The term "injury sustained in the course of employment" shall be as defined in Section 1 of Article 8309 of Revised Civil Statutes of Texas, 1925, as amended or as it may be hereafter amended.

(10) Any reference to an employee herein who has been injured shall, when the employee is dead, also include the legal beneficiaries as that term is herein used, of the employee to whom compensation may be payable. Whenever in this Act the singular is used, the plural shall be included; whenever the masculine gender is used, the feminine and neuter shall be included.

Section 3. Cities, towns and villages are hereby authorized to become either self-insurers or provide insurance under workmen's compensation insurance contracts or policies, extending workmen's compensation benefits to their employees. The provisions of this Act authorizing cities, towns, and villages to provide workmen's compensation benefits or to take out workmen's compensation insurance is permissive only and the provision hereof with respect to either self-insurance or insurance under a policy of insurance is not mandatory. Workmen's compensation benefits, as provided in this Act, may be provided for all of the employees of a city, town, or village, or may be provided only for one or more departments of the city, or for one or more groups of employees engaged in similar or related lines of work. All, or as a classified group or groups of employees engaged in the operation, maintenance, extension, and improvement of a municipally owned public utility system or systems of any kind may be treated as a separate group or groups of employees for the purpose of extending workmen's compensation benefits under this Act. The governing body of any city, town, or village may by ordinance or resolution adopt the provisions of this Act and make the same applicable to all

or a department or group of employees paid out of funds subject to the appropriation or use of such governing body, and the ordinance shall specify whether the city elects to become a self-insurer under the provisions hereof or to take out a policy of workmen's compensation insurance with a qualified insurance company. Upon taking action, notice shall be given to the Board stating the effective date of the self-insurance or the insurance policy and the departments or general group or groups of employees to be covered, and the approximate number of employees to be covered in each and the estimated amount of the payroll or payrolls. Notice shall also be given to the employees of the city, town, or village of the provision so made for workmen's compensation benefits and the effective date thereof; and employees of the city, town, or village shall be conclusively deemed to have accepted the compensation provisions in lieu of common-law or statutory liability or cause of action, if any, for injuries received in the course of employment or death resulting from injuries so received. In cities, towns, or villages in which a public utility or utilities is operated by a board of trustees set up and appointed in accordance with Article 1115, Revised Civil Statutes, 1925, or any similar law, such board of trustees shall have all of the powers and authority of the governing body of the city with reference to the adoption of a program of self-insurance under this Act or in the taking out of a policy or policies of workmen's compensation insurance hereunder, and all funds set aside or expended for such purposes shall be considered operating expenses of the municipal utilities. All funds set aside or paid by such boards of trustees in connection with self-insurance or for premiums on policies of insurance shall be paid out of the revenues of the utilities operated by the board of trustees and neither the provisions for self-insurance nor the obligations incurred under insurance policies shall be general liabilities of the city, town, or village, but shall constitute only obligations payable out of the revenues. The boards of trustees shall be authorized to adopt all resolutions, give all notices and to do all things concerning workmen's compensation under this Act with reference to em-

ployees employed by the boards of trustees which the governing body of the city, town, or village would be authorized to do with reference to other city employees, or groups of employees.

Section 4. (a) The following laws as amended or as they may hereafter be amended are adopted except to the extent that they are inconsistent with this Act:

(1) Sections 1, 3, 3a, 3b, 4, 5, 6, 7, 7a, 7b, 7c, 7d, 7e, 8, 8a, 8b, 9, 10, 11, 11a, 12, 12a, 12b, 12c, 12c-1, 12c-2, 12d, 12e, 12f, 12g, 12h, 12i, 13, 14, 15, 15a, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26 and 27, of Article 8306, Revised Civil Statutes of Texas, 1925, as amended;

(2) Section 1, Chapter 248, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 8306a, Vernon's Texas Civil Statutes);

(3) Sections 4a, 6a, 11, 12, 13 and 14 of Article 8307, Revised Civil Statutes of Texas, 1925, as amended;

(4) Article 8307b, Revised Civil Statutes of Texas, 1925, as added by Section 2, Chapter 261, Acts of the 45th Legislature, Regular Session, 1937;

(5) Sections 4 and 5, Article 8309, Revised Civil Statutes of Texas, 1925, as amended; and

(6) Article 8309a, Vernon's Texas Civil Statutes, as amended.

(b) Provided that whenever in the above adopted sections of Articles 8306, 8306a, 8307, 8307b, 8309 and 8309a of the Revised Civil Statutes of Texas, 1925, as amended the words "association," "subscriber," or "employer," or their equivalents appear in such articles, they shall be construed to and shall mean "city," "town," or "village."

Section 5. It is the purpose of this Act that the compensation herein provided for shall be paid from week to week and as it accrues and directly to the person entitled thereto, unless the liability is redeemed as in such cases provided elsewhere herein.

Section. 6 (a) The Board may require any employee claiming to have sustained injury to submit himself for examination before the Board or someone acting under its authority at some reasonable time and place within the state, and as often as may be reasonably ordered by the Board to a physician or physicians, chiropractor

or chiropractors, authorized to practice under the laws of this state. If the employee of the city, town, or village requests, he or it shall be entitled to have a physician or physicians, chiropractor or chiropractors, of his or its own selection present to participate in such examination. Refusal of the employee to submit to an examination shall deprive him of his right to compensation during the continuance of such refusal. When a right to compensation is thus suspended, no compensation shall be payable in respect to the period of suspension. If any employee shall persist in insanitary or injurious practices which tend to either imperil or retard his recovery, or shall refuse to submit to such medical, surgical, chiropractic, or other remedial treatment recognized by the state, as is reasonably essential to promote his recovery, the Board may in its discretion order or direct the city, town, or village to reduce or suspend the compensation of any such injured employee. No compensation shall be reduced or suspended under the terms of this section without reasonable notice to the employee and an opportunity to be heard.

With the consent of the Association, an employee may at any time have treatment for his injuries or occupational disease by prayer or spiritual means through the application or use of the principles, tenets, or teachings of any established church without the use of any drug or material remedy, provided sanitary and quarantine laws and regulations are complied with; and provided, further, that all those so ministering or offering to minister to the injured or sick employee are bona-fide members of such church. An employee having treatment by prayer or spiritual means shall be compensated for his injuries, occupational disease, and time, and allowed payment for treatment and necessary services in connection therewith, as fully as if any other form of treatment had been employed. Such employee, however, shall submit to all physical examinations as required by law or as may be directed by the Board or that may be requested by the Association.

(b) The city, town, or village shall have the privilege of having any injured employee examined by a physician or physicians, chiropractor or chiropractors, of its own choice, at

reasonable times, at a place or places suitable to the condition of the injured employee and convenient and accessible to him. The city, town, or village shall pay for the examination and the reasonable expense incident to the injured employee in submitting thereto. The injured employee shall have the privilege to have a physician or chiropractor of his own selection present to participate in the examination. Provided, when the examination is directed by the Board or the city, town, or village, the city, town, or village shall pay the fee of the physician or chiropractor selected by the employee, the fee to be fixed by the Board.

(c) Process and procedure shall be as summary as may be under this Act. The Board or any member thereof shall have the power to subpoena witnesses, administer oaths, inquire into matters of fact, and examine such parts of the books and records of the parties to a proceeding as relate to questions in dispute. All rulings and decisions of the Board relating to disputed claims shall be upon question of fact and in accord with the provisions of this Act.

Section 7. (a) All questions arising under this Act, if not settled by agreement of the parties interested therein and within the provisions of this Act, shall, except as otherwise provided, be determined by the Board. Any interested party who is not willing and does not consent to abide by the final ruling and decision of the Board shall within 20 days after the rendition of said final ruling and decision by the Board, file with the Board notice that he will not abide by the final ruling and decision. And he shall within 20 days after giving notice bring suit in the county where the injury occurred to set aside the final ruling and decision and the Board shall proceed no further toward the adjustment of such claim, other than hereinafter provided. Whenever suit is brought, the rights and liability of the parties thereto shall be determined by the provision of this Act and the suit of the injured employee or person suing on account of the death of the employee shall be against the city, town, or village. If the final order of the Board is against the city, town, or village, then the city, town, or village shall bring suit to set aside the final ruling and decision of the Board, if

it so desires, and the court shall in either event determine the issues in the cause instead of the Board upon trial de novo and the burden of proof shall be upon the party claiming compensation. The Board shall furnish any interested party in the claim pending in court upon request, free of charge, with a certified copy of the notice of the city, town, or village becoming an insurer filed with the Board and the same when properly certified to shall be admissible in evidence in any court in this state upon trial of the claim therein pending and shall be prima facie proof of all facts stated in the notice in the trial of the cause unless same is denied under oath by the opposing party therein.

(b) In case of recovery the same shall not exceed the maximum compensation allowed under the provisions of this Act. If any party to any such final ruling and decision of the Board, after having given notice as above provided, fails within 20 days to institute and prosecute a suit to set the same aside, then the final ruling and decision shall be binding upon all parties thereto, and, if the same is against the city, town, or village, it shall at once comply with the final ruling and decision.

(c) In all cases where the Board shall make a final order, ruling, or decision, as provided in the preceding Section and against the city, town, or village and the city, town, or village shall fail or refuse to obey or comply with the same and shall fail or refuse to bring suit to set the same aside as in said Section is provided, then in that event the claimant in addition to the rights and remedies given him and the Board in said Section may bring suit in a court of competent jurisdiction, upon the order, ruling, or decision. If he secures a judgment sustaining the order, ruling, or decision in whole or in part, he shall also be entitled to recover the further sum of 12 percent as damages upon the amount of compensation so recovered in said judgment, together with a reasonable attorney's fee for the prosecution and collection of such claim.

(d) Where the Board has made an award against the city, town, or village requiring the payment to an injured employee or his beneficiaries of any weekly or monthly payments, under the terms of this Act, and the

city, town, or village should thereafter fail or refuse, without justifiable cause, to continue to make the payments promptly as they mature, then the injured employee or his beneficiaries, in case of his death, shall have the right to mature the entire claim and to institute suit thereon to collect the full amount thereof, together with 12 percent penalties and attorney's fees as herein provided for. Suit may be brought under provisions of this section, either in the county where the accident occurred, or in any county where the claimants reside, or where one or more of such claimants may have his place of residence at the time of the institution of the suit.

Section 8. The city, town, or village shall hereafter keep a record of all injuries fatal or otherwise, sustained by its employees in the course of their employment. Within eight days after the occurrence of an accident resulting in an injury to an employee, causing his absence from work for more than one day, a written report thereof shall be made to the Board on blanks to be procured from the Board for that purpose. Upon the termination of the incapacity of the injured employee, or if the incapacity extends beyond a period of 60 days, the department shall make a supplemental report upon blanks to be procured for that purpose. The report shall contain the name, age, sex, and occupation of the injured employee and the character of work in which he was engaged at the time of the injury, and shall state the place, date, and hour of receiving such injury and the nature and cause of the injury and other information as the Board may require. The city, town, or village shall be responsible for the submission of the reports in the time specified in this section.

Section 9. The city, town, or village is authorized to promulgate and publish rules and regulations and to prescribe and furnish forms as may be necessary to the effective administration of this Act, and the city, town, or village shall have authority to make and enforce rules for the prevention of accidents and injuries as may be deemed necessary.

Section 10. (a) Any order, award, or proceeding of the Board when duly attested by any member of the Board or its secretary shall be admissible as evidence of the act of the Board in any court of this state.

(b) Upon the written request and

payment of the fees therefor, which fees shall be the same as those charged for similar services in the secretary of state's office, the Board shall furnish to any person entitled thereto a certified copy of any order, award, decision, or paper on file in the office of the Board and the fees so received for such copies shall be paid into the State Treasury and credited to the general revenue fund. No fee or salary shall be paid to any person in the Board for making the copies in excess of the fees charge for such copies.

Section 11. Any interested party who is not willing and does not consent to abide by the final ruling and decision of the Board shall, in the manner and within the time provided by Section 7 of this Act file notice with the Board, and bring suit in the county where the injury occurred to set aside said final ruling and decision; however, in the event such suit is brought in any county other than the county where the injury occurred, the court in which same is filed shall upon ascertaining that it does not have jurisdiction to render judgment upon the merit, transfer the case to the proper court in the county where the injury occurred. Provided, however, that notice of the transfer shall be given to the parties and the suit when filed in the court to which the transfer is made, shall be considered for all purposes, the same as if originally filed in that court.

Section 12. (a) The city, town or village is hereby authorized to set aside from available appropriations, other than itemized salary appropriations, in an amount not to exceed five percent of the annual employee payroll of the city, town, or village for the payment of all costs, administrative expenses, charges, benefits, insurance, and awards authorized by this Act.

(b) The amount so set aside shall be set up in a separate amount in the records of the city, town, or village which account shall show the disbursements authorized by this Act; provided the amount so set aside shall not exceed five percent of the annual employee payroll at any one time. A statement of the amount set aside for the disbursements from the account shall be included in an annual report made to the city, town, or village treasurer and the duly and legally constituted governing body of the city, town, or village.

Section 13. The city, town, or village attorney or his assistants, shall represent the city, town, or village in the bringing or defense of suits and proceedings in connection with workmen's compensation benefits provided by the city, town, or village, as a self-insurer, except in cases where municipal utilities are operated by boards of trustees set up and appointed in accordance with Article 1115, Revised Civil Statutes, 1925, and similar statutes, and in such instances the regularly employed attorneys for the boards of trustees shall represent the city in all cases and proceedings involving workmen's compensation for the employees employed under the jurisdiction of the boards of trustees and for whom benefits have been provided by the Board on a self-insurer basis.

Section 14. That in every case appealed from the Board to the district or county court, the clerk of such court shall, within 20 days after the filing thereof, mail to the Board a notice giving the style, number, and date of the filing of the suit, and shall, within 20 days after judgment is rendered in the suit, mail to the Board a certified copy of the judgment. The duty devolved upon the district and county clerks under this Act shall constitute a part of their regular duties and for the services they shall not be entitled to any fee. In every case the attorney preparing the judgment shall file the original and a copy of the same with the clerk of the court. However, the failure of the attorney to comply with this provision shall not excuse the failure of the clerk of a district or county court to mail a certified copy of the judgment to the Board as above provided. Any county or district clerk who fails to comply with the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$250.

Section 15. Chapter 327, Acts of the 53rd Legislature, 1953, as last amended by Acts 1955, 54th Legislature, Page 466, Chapter 131, Sections 1, 2 and 3 codified in Vernon's as Article 8309e, Vernon's Texas Civil Statutes is hereby repealed.

Section 16. If any section, sentence, clause or part of this Act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each

sentence, clause and part thereof despite the fact that one or more sections, sentences, clauses or parts thereof be declared unconstitutional.

Section 17. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

On motion of Senator Jordan, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 581 on Third Reading

Senator Jordan moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 581 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Brooks	McKool
Cole	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word
Herring	

Absent—Excused

Blanchard	Christie
Bridges	Snelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 675 on Second Reading

On motion of Senator Hall, and by

unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 675, A bill to be entitled "An Act amending Subsection (a), Section 2 and Section 7 of Chapter 503, Acts of the 54th Legislature, Regular Session, 1955, relating to refunding bonds; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 675 on Third Reading

Senator Hall moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 675 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Brooks	McKool
Cole	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word
Herring	

Absent—Excused

Blanchard	Christie
Bridges	Snelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Memorial Resolutions

S. R. No. 677—By Senator Watson: Memorial resolution for D. F. Youngblood.

S. R. No. 678—By Senator Watson: Memorial resolution for Lt. R. Bryson Vann.

S. R. No. 679—By Senator Watson: Memorial resolution for Robert F. Platte.

S. R. No. 680—By Senator Watson: Memorial resolution for Mrs. Cecil Biggs.

S. R. No. 681—By Senator Watson: Memorial resolution for Russell O. Jordahl.

S. R. No. 682—By Senator Watson: Memorial resolution for Mrs. Rubye F. Carpenter.

S. R. No. 683—By Senator Watson: Memorial resolution for Mose Barron White.

Welcome Resolutions

S. R. No. 675—By Senator Watson: Extending welcome and privileges of the floor to Otis Gardner of McGregor.

S. R. No. 676—By Senator Watson: Extending welcome to sponsors and students of Axtell High School of McLennan County.

S. R. No. 684—By Senator Harris: Extending welcome to Mrs. Clarence Guittard.

S. R. No. 685—By Senator Creighton: Extending welcome to Brice Jackson et al.

S. R. No. 686—By Senator Herring: Extending welcome to teacher and students of Elgin High School.

S. R. No. 687—By Senator Brooks: Extending welcome to sponsor and students of Zion Lutheran School of Pasadena.

Adjournment

On motion of Senator Aikin the Senate at 12:07 o'clock p.m. adjourned until 10:30 o'clock a.m. Monday, May 5, 1969.

SIXTY-FOURTH DAY

(Monday, May 5, 1969)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Bernal
Bates	Berry

Blanchard	Jordan
Bridges	Kennard
Brooks	Mauzy
Christie	McKool
Cole	Moore
Connally	Patman
Hall	Ratliff
Harrington	Schwartz
Harris	Snelson
Hazlewood	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Creighton	Strong
Grover	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 2, 1969, was dispensed with and the Journal was approved.

Leaves of Absence

Senator Grover was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Strong was granted leave of absence for today on account of important business on motion of Senator Blanchard.

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Kennard.

Senate Resolution 693

Senator Herring offered the following resolution:

Whereas, The people of Austin and the surrounding area of Central Texas are deeply grateful for the efforts of Mr. Isamu Taniguchi in creating the beautiful Oriental Garden in Austin's Zilker Garden Center; and

Whereas, Mr. Taniguchi, a native of Japan, came to the United States at the age of seventeen and moved to Austin from the Rio Grande Valley of Texas following his retirement in 1967; and

Whereas, Upon the occasion of the dedication of the garden, Mr. Taniguchi presented a message which said, in part:

"It has been my wish that through the construction of this visible gar-